

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Cesar DAVILA-RUIZ

Case: 2:24-mj-30241

Case No. Assigned To : Unassigned

Assign. Date : 6/26/2024

USA v. DAVILA-RUIZ (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 26, 2024 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8 U.S.C. Sec. 1326(a)

Unlawful Reentry Following Removal from the United States

This criminal complaint is based on these facts:

On or about April 26, 2024, in the Eastern District of Michigan, Southern Division, Cesar DAVILA-RUIZ, an alien who had previously been removed from the United States on or about May 27, 2008 at Laredo, Texas, was thereafter found in the United States without the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

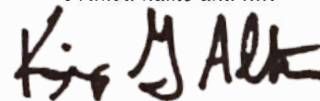
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: 06/26/2024City and state: Detroit, Michigan


Complainant's signature

Robert Golembiewski, Deportation Officer

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT

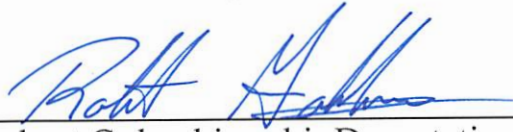
I, Robert Golembiewski, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), of the United States Department of Homeland Security (DHS). I have been employed in this capacity since March 2018. I am assigned to the Criminal Alien Program (CAP) in the ICE ERO Detroit Field Office.
2. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include ICE ERO Deportation Officers and record checks of law enforcement databases. I have also reviewed records from the official immigration file and system automated data relating to Cesar DAVILA-RUIZ, which reveals the following:
3. DAVILA-RUIZ is a forty-two-year-old male, native and citizen of Mexico who last entered the United States at or near an unknown place, on or about an unknown date without being inspected and admitted or paroled by an immigration officer.
4. On or about May 29, 2000, DAVILA-RUIZ was encountered by U.S. Border Patrol at or near Tecate, California and voluntarily returned to Mexico.
5. On or about February 23, 2006, DAVILA-RUIZ was encountered by U.S. Border Patrol at or near Otay Mesa, California and voluntarily returned to Mexico.
6. On or about February 27, 2006, DAVILA-RUIZ was encountered by U.S. Border Patrol at or near Tecate, California and voluntarily returned to Mexico.
7. On March 26, 2008, DAVILA-RUIZ was convicted in the 6th Circuit Court in Pontiac, Michigan of Larceny from a Motor Vehicle, in violation of Michigan Compiled Laws (MCL) Section 750.356(a)(1) and sentenced to 75 days in jail.

8. On May 6, 2008, ICE-ERO Detroit arrested DAVILA-RUIZ and issued him a Notice to Appear (NTA) for immigration removal proceedings.
9. On May 19, 2008, an immigration judge in Detroit, Michigan ordered DAVILA-RUIZ removed from the United States to Mexico.
10. On May 27, 2008, DAVILA-RUIZ was removed from the United States to Mexico through the Laredo, Texas port-of-entry.
11. On July 26, 2018, ICE-ERO Detroit arrested DAVILA-RUIZ near Auburn Hills, Michigan and served him with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
12. On August 21, 2018, DAVILA-RUIZ was removed from the United States to Mexico through the Hidalgo, Texas port-of-entry.
13. On August 5, 2019, United States Border Patrol (USBP) Agents arrested DAVILA-RUIZ near Rochester Hills, Michigan and served him with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
14. On October 31, 2019, DAVILA-RUIZ was convicted for Reentry after Removal, in violation of Title 8, United States Code, Section 1326(a). He was sentenced to time served.
15. On November 19, 2019, DAVILA-RUIZ was removed from the United States to Mexico through the Brownsville, Texas port-of-entry.
16. On or about December 11, 2021, DAVILA-RUIZ was apprehended by Customs and Border Protection (CBP) Agents at or near Eagle Pass, Texas and expelled from the United States pursuant to Title 42, United States Code, Section 265.
17. On or about April 26, 2024, DAVILA-RUIZ was arrested by the Oakland County Sheriff's Office for Controlled Substance – Possession (cocaine, heroin, or another narcotic) less than 25 grams, to wit: cocaine, in violation of MCL Section 333.7403(2)(a)(v).

18. On April 26, 2024, ICE-ERO Detroit encountered DAVILA-RUIZ, via biometric alert, at the Oakland County Jail and issued an I-247, Immigration Detainer.
19. On or about June 4, 2024, the 6th Circuit Court in Pontiac, Michigan convicted DAVILA-RUIZ, to Controlled Substance – Use, in violation of MCL Section 333.7404(2)(b), and sentenced him to 45 days in jail with credit for 39 days served.
20. On or about June 14, 2024, ICE ERO Detroit arrested DAVILA-RUIZ at the Oakland County Jail upon completion of his sentence and transported him to the ICE ERO Detroit Field Office for processing. Fingerprint checks confirmed a positive match for Cesar DAVILA-RUIZ, DOB: XX/XX/1982, a previously removed alien.
21. A review of immigration records (AXXX XXX 618) for DAVILA-RUIZ and queries in the U.S. Department of Homeland Security databases revealed that no record exists of DAVILA-RUIZ obtaining consent from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States to Mexico on May 27, 2008.
22. ICE ERO Detroit served DAVILA-RUIZ with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order. The aforementioned arrest and subsequent detention of DAVILA-RUIZ was an administrative non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States who is reasonably believed to be in violation of any law or regulation regulating the admission, expulsion, or removal of aliens.
23. Based on the above information, I believe there is probable cause to conclude that Cesar DAVILA-RUIZ is an alien who, after having been removed from the United States on or about May 27, 2008, was thereafter found in the United States without having obtained the express consent or permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission

to the United States, in violation of Title 8, United States Code, Section 1326(a).



Robert Golembiewski, Deportation Officer
Enforcement and Removal Operations
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Kimberly G. Altman
United States Magistrate Judge

Dated: June 26, 2024